

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION |) | MDL No. 1456 Master Docket 01-cv-12257 |
| THIS DOCUMENT RELATES TO: |) | Subcategory 06-11337 Civil Action No. 08-cv-10852 |
| <i>United States of America Ex Rel.</i> |) | |
| <i>Ven-A-Care of the Florida Keys, Inc., a Florida Corporation, by and through its principal officers and directors,</i> |) | Judge Patti B. Saris |
| <i>ZACHARY T. BENTLEY and T. MARK JONES, vs. Actavis Mid Atlantic LLC, et al.</i> |) | |

Status Report November 1, 2009

Pursuant to the Court's July 17, 2004 Procedural Order, the undersigned counsel for the Plaintiffs hereby submits the following status report to the court listing the status of all motions to date.

Respectfully submitted,

Dated: 11/3/09

By: /s/ Susan Schneider Thomas

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Attorneys for Ven-A-Care of the Florida Keys,

Inc.
MDL 1456 Status Report
USA ex rel. Ven-A-Care v. Actavis, et al.
Case No. 08-cv-10852

Pending Motions

None.

Plaintiff intends to submit a proposed Case Management Order governing fact discovery, expert discovery and motions for summary judgment sometime this month. This will be worked out with defense counsel to the extent possible.

CERTIFICATE OF SERVICE

I hereby certify that I, Carol Brotstein, paralegal with Berger & Montague caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on October 1, 2009, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service.

Respectfully submitted,

Dated: 11/3/09

By: /s/ Carol Brotstein

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Inc.**